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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

IN RE FACEBOOK BIOMETRIC INFORMATION PRIVACY LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**DECLARATION OF AARON MAYERSON IN SUPPORT OF DEFENDANT FACEBOOK, INC.'S OPPOSITION TO PLAINTIFFS' MOTION FOR APPROVAL OF CLASS NOTICE PLAN AND FOR AN ORDER COMPELLING DEFENDANT TO COOPERATE IN CLASS NOTICE**

Master Docket No.: 3:15-CV-03747-JD

Hon. James Donato

[*Opposition filed concurrently herewith*]

I, Aaron Mayerson, hereby declare as follows:

1. Since October 2013, I have been employed by Facebook, Inc. ("Facebook") as a data engineer. In my position, I regularly work with and am knowledgeable about Facebook's systems for storing and maintaining user data.

2. I make this declaration on my own personal knowledge and, if called upon as a witness to do so, I could and would competently testify as to the matters set forth herein.

**Identifying Potential Class Members**

3. I understand that the Court in this action has certified a class consisting of "Facebook users located in Illinois for whom Facebook created and stored a face template after June 7, 2011."

4. I have been working with other engineers and data scientists at Facebook to develop a method to estimate which Facebook users are likely to fall into that class definition.

5. Facebook does not have precomputed aggregate records to determine the users for whom Facebook has created and stored a face template. Instead, determining whether a user has a face template requires scanning anonymized, user-level data.

6. Accordingly, to identify a set of potential class members, it is necessary to focus on the residency portion of the class definition, and to assume for purposes of this analysis that all users who have self-identified as being over the age of 18 have templates. This assumption is an overgeneralization, however, as many such users will not have templates.

7. Users who have self-identified as being under the age of 18 do not have templates, so they can be excluded from the group of potential class members.

8. In addition, because of the date range in the class definition, Facebook can exclude users who did not have a registered account at some point between June 7, 2011 and April 16, 2018.

9. Facebook does not know the location of its users in the United States with certainty. Facebook does not maintain a list of its users' physical addresses.

10. Users can self-report their locations in their profiles. But many users choose not to do so, and others might include incorrect or outdated locations.

11. I have been working along with other engineers and data scientists at Facebook to develop a method of estimating users in the United States over the age of 18 who have been Illinois residents during the class period.

12. Facebook has two methods for predicting the location of a user. First, a user's IP address permits Facebook to predict the city and state of a user's physical location on a particular day. Standing alone, however, this method is not a reliable indication of residence or location.

13. Second, Facebook has developed technology that predicts a user's home location—meaning the city and state in which the user resides—based on a variety of information about the user (including, but not limited to, his or her IP address patterns). Facebook uses this technology in the regular course of its business to help advertisers market to users who reside in a particular geographic area.

14. I have been working along with other team members to use these two methods to estimate which users are likely to be located in Illinois by looking at Facebook's anonymized data about users. Predicted home location data is available for periods beginning January 4, 2012. For periods before January 4, 2012, we have been using the user's physical location based on IP address.

15. We are currently working on these calculations. Once the queries are complete, we will need to check the counts in order to, among other things, remove abusive accounts as well as duplicate entries, which might exist when a single user has multiple accounts. We expect to be able to complete the count and this error-correction process by Friday, May 25, 2018.

16. This process has taken substantial engineering resources, which have had to be diverted from other critical projects.

**Finalizing List Of Email Addresses Of Potential Class Members**

17. As a general matter, Facebook has email addresses for a high percentage of users. Because of the anonymization of data, former users who have deleted their accounts may not be able to be identified—and their email addresses obtained—through this methodology.

18. Once the verification process described above has been completed, my team and I

can compile the email addresses into a format usable by the claims administrator. This process can also be completed by May 25, 2018.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this 18th day of May, 2018, in Menlo Park, California.

Aaron Mayerson